

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JAMES OTT PRESGRAVES, III,

Plaintiff

*

v

Civil Action No. CCB-07-2328

*

WARDEN,

Defendant

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MEMORANDUM

The court is in receipt of correspondence from plaintiff which has been construed as a complaint under the Freedom of Information Act, 5 U.S.C. §552. Plaintiff has neither paid the civil filing fee nor sought leave to proceed in forma pauperis. Because he appears indigent, however, he shall be granted leave to proceed in forma pauperis. For the reasons that follow, the complaint must be dismissed.

Plaintiff seeks an order from this court requiring officials at the Maryland Correctional Adjustment Center to release his medical records to him. Paper No. 1. To the extent plaintiff is raising a claim under the Federal Freedom of Information Act, he has failed to state a cognizable claim. The Freedom of Information Act (FOIA), 5 U.S.C. § 552, provides a mechanism for citizens to obtain documents from **federal agencies**, and grants the federal district courts jurisdiction to review agency compliance with those requests. The Maryland Correctional Adjustment Center is not a federal agency subject to the provisions of FOIA.

To the extent plaintiff may have a cause of action under Maryland's Freedom of Information Act, he must pursue that claim in the appropriate state forum.¹ *See* Md. St. Govt. Code Ann. § 10-611 *et seq.* A separate order follows.

September 25, 2007
Date

/s/
Catherine C. Blake
United States District Judge

¹To the extent plaintiff believes he is not receiving adequate medical care at his current place of incarceration, FCI-McKean, he is advised that he may file a civil rights complaint in the United States District Court for the Western District of Pennsylvania, Erie Division, 17 South Park Row, Erie, PA 16501.